## AFTER ACTION AGENDA

# REGULAR CITY COMMISSION MEETING MONDAY, SEPTEMBER 21, 2015 6:30 P.M.

# PROVIDENCE BLVD. DELTONA, FLORIDA

# **AGENDA**

- 1. CALL TO ORDER:
- 2. ROLL CALL CITY CLERK:
- 3. INVOCATION AND PLEDGE TO THE FLAG:
  - A. Silent Invocation Presented by Commissioner Herzberg.
- 4. APPROVAL OF MINUTES & AGENDA:
  - A. Approval of Minutes Special Commission Meeting and Regular Commission Meeting of September 9, 2015 Joyce Raftery, City Clerk (386) 878-8502.

After Discussion, the Commission voted unanimously to approve the minutes of the Special Commission Meeting and Regular Commission Meeting of September 9, 2015, as presented.

#### 5. PRESENTATIONS/AWARDS/REPORT:

- A. Presentation by Commissioner Soukup Ms. Farrah Johnson, Florida's Teacher Mentor.
- B. Presentation West Volusia Youth Baseball 10U World Series Champions.
- C. Presentation West Volusia Youth Baseball 14U All Star State Champions.

7. PUBLIC FORUM – Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item. (4 minute maximum length per speaker)

<u>CONSENT</u> All items marked with an \* will be considered by one motion <u>AGENDA</u>: unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

## 8. CONSENT AGENDA:

A. Request for approval of the Interlocal Agreement for Provisions of Municipal Services to the City of Deltona – Gerald Chancellor, Public Works Department (386) 878-8998.

The City of Deltona has contracted with Volusia County for various municipal services in the past and the County has again combined all of the services into one contract for ease of tracking and administration. Costs are evaluated on an annual basis by Public Works.

The City of Deltona staff recommends approval of this Interlocal Agreement with Volusia County for Traffic Engineering Services, Tire dumping and Mosquito spraying services which is valid until September 30, 2018. The City has the ability to terminate the contract with a 90 day notice. Further extension of services would be by a future contract. The County currently provides maintenance and operation of our Traffic Control Devices which promotes and integrated balanced traffic network in Volusia County to benefit the residents of Deltona.

The City also relies on the County for mosquito control, as they have the qualified personnel and equipment to perform the testing and treatment. The Road and Bridge Division of the County can provide services on an as needed basis for their control.

The cost is an estimate for one year of services provided by Volusia County. Historically, costs have been based on previous use of the contract, prior years average as it pertains to Traffic Engineering Services, Tire dumping and Mosquito spraying services. The actual cost may be less or more than the estimate, as necessary, per unforeseen circumstances, acts of God, etc. Prior to any expenditure above \$22,000.00 City staff and City Manager will approve and process on a case by case basis. For example, \$2,000 of additional funds have been budgeted by the City for signalization and repair in excess of the \$14,000 amount listed above. Costs for this contract are reviewed and analyzed by Public Works staff. An annual itemized budget is prepared and presented to the Director and City Manager for approval prior to funds being allocated.

This agreement will be in effect until September 30, 2018 on an annual basis

unless otherwise terminated by either party. The City may choose to bid services at any time with a 90 day termination notice if services are to be switched to another provider for signalization and repair.

After discussion, the Commission voted unanimously to approve the Interlocal Agreement for Provisions of Municipal Services to the City of Deltona and Volusia County.

#### 9. ORDINANCES AND PUBLIC HEARINGS:

After discussion, the Commission voted unanimously to table Ordinance No. 14-2015, Ordinance No. 15-2015 and Ordinance No. 16-2015 until the October 5, 2015 Regular Commission Meeting.

A. Public Hearing - Ordinance No. 14-2015, Amending the Deltona Welcome Center Business Planned Unit Development (BPUD), at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

The proposed amendment is considered a major amendment to the existing Deltona Welcome Center BPUD (BPUD). The Welcome Center BPUD consists of five lots, an access road and drainage retention. This proposed rezoning request is only to amend the existing BPUD Development Agreement (DA) to allow for more than one gas station/convenience store within the BPUD (one currently exists) and to allow right-in and right-out access on both DeBary Ave. and Deltona Blvd. for a proposed Racetrac facility on lots two and three.

The BPUD was approved in the early 2000's and the approved development standards for the BPUD include typical requirements that manage use, intensity, access management, etc. that are listed in the DA. Within the original DA, access to nearby roads was controlled by a 1-ft. non-vehicular easement along the frontage of both Deltona Blvd. and DeBary Ave., with the only access potential for lots two and three onto Welcome Center Drive. To facilitate direct access to major thoroughfares, which is needed for this type of facility, the applicant is proposing to amend the DA for access on to both Deltona Blvd. and DeBary Ave. Deltona Blvd. is a City facility and DeBary Ave. is a County roadway.

On August 19, 2015, the Planning and Zoning Board heard this rezoning request. The Board recommended the City Commission approve the requested BPUD amendment to allow more than one gas station/convenience store within the BPUD. The Board also cited traffic concerns for access management due to existing traffic conditions and recommended that there be no access allowed onto DeBary Ave. and a right-in access only off of Deltona Blvd. Of note, the subject site is within the proposed Community Redevelopment Area (CRA) and the Enterprise Overlay Zone. The proposed amendments to the existing DA do not amend the previously approved standards, circa early 2000s, and the Master Development Plan should comport to the existing DA with the proposed exceptions of the change in use to allow more than one service station and to allow for greater access potential to lots two and three.

Further, a member of the public attended the Planning and Zoning Board meeting and submitted the attached petition in opposition to the zoning action. None of the signatures on the petition have been verified.

Finally, the City Commission heard this item at the September 9, 2015, public hearing and unanimously voted to approve Ordinance No. 14-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item needs to be tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

#### Item tabled to the October 5, 2015 Regular Commission Meeting.

B. Public Hearing - Ordinance No. 15-2015, Rezoning ±9.28 acres located within the Deltona Activity Center from R-1AA to Mixed Use Planned Unit Development (MPUD), at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

The property is within the Deltona Activity Center and, consistent with the City's Comprehensive Plan, development within the Activity Center is required to be processed as a Planned Unit Development (PUD).

The project consists of a mixture of uses, a proposed assisted living facility on  $\pm 5.4$ -acres, and a self-storage mini-warehouse on  $\pm 3.8$ -acres that will comprise the MPUD. The MPUD is associated with a Development Agreement (DA) that includes proposed land uses, lot locations, dimensional requirements; infrastructure, aesthetics, etc. (see attached DA with recommended changes).

On August 19, 2015, the Planning and Zoning Board heard the MPUD rezoning request. At the hearing, staff informed the applicant that there were outstanding issues with the terms of the DA in specific areas. The areas include a maximum 35% lot coverage requirement for each lot within the project; a maximum 70% impervious surface ratio (ISR) for each lot within the MPUD; and suggested side yard setbacks. The building lot coverage and impervious surface ratios were addressed. The side yard setback centers on the proposed interior lot line to create two lots; use the proposed ISR ratio; and provide a zero-ft. side-yard setback. The Code requires a 10-ft. setback on each created lot for the proposed ISR, which coincides with the landscape buffer width.

The applicant will have the option to either keep the MPUD project as a unified single lot or, where two lots are created, provide for the Code required setback and buffer from the interior lot line between the two lots.

Finally, the City Commission heard this item at the September 9, 2015, public hearing and unanimously voted to approve Ordinance No. 15-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item needs to be tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

#### Item tabled to the October 5, 2015 Regular Commission Meeting.

C. Public Hearing - Ordinance No. 16-2015, Amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

City staff noticed an inconsistency between the density ranges for multi-family development listed within the City's Future Land Use Element and the City's Land Development Code (Code). This equated to two scrivener's errors in the RM-2 zoning district text, as related to the RM-2 zoning designation. The listed density range allows for 12-20 units per acre that is consistent with the High Density Residential land use category. However, the existing zoning language of Section 110-311(a) calls for the RM-2 to be consistent with the Medium Density Residential land use category, which only allows for 6-12 units per acre. Changing the land use text from Medium Density Residential to High Density Residential would correct that issue, so that the density ranges are listed in both documents consistently. The second issue is the tense of the introduction, where it is written as past-tense, instead of present tense (i.e. changing "purposed" to "purpose" will correct this issue).

Finally, the City Commission heard this item at the September 9, 2015, public hearing and unanimously voted to approve Ordinance No. 16-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item needs to be tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

Item tabled to the October 5, 2015 Regular Commission Meeting.

- 10. OLD BUSINESS:
- 11. NEW BUSINESS:
- 12. CITY ATTORNEY COMMENTS:

After discussion, the Commission concurred to assign the Ordinance Review Committee (ORC) the food vendor ordinance, the parking ordinance and the ordinance related to fences, walls and hedges for review.

#### 13. CITY MANAGER COMMENTS:

After discussion, the Commission concurred to cancel the workshop scheduled for Monday, September 28<sup>th</sup>.

- 14. CITY COMMISSION COMMENTS:
- 15. ADJOURNMENT:

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.